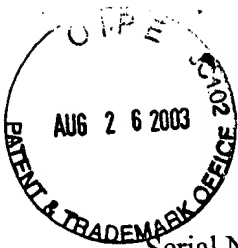


Exp. No: EU 972185860 US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/429,939
Filed: 10/29/1999
Applicant: Authier
For: Water Freeze Control
For Hot Tub Spa

Examiner: Prunner, Kathleen J.
Group Art: 3751

CERTIFICATE OF MAILING

I certify that this document is being deposited on _____
with the U.S. Postal Service as first class mail
under 37 C.F.R. 1.8 and is addressed to the:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Signature of Person Mailing Correspondence

John R. Ross, III
Typed or Printed Name of Person Mailing Correspondence

24
8-3-03

Preliminary Amendment

Commissioner of Patents and Trademarks
Washington, DC 20231

Sir,

This letter is in response to Office Action dated 02/27/2003.

Remarks/Arguments begin on page 2 of this paper.

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TECHNOLOGY CENTER R3700

<p>CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity) Submit an original, and a duplicate for fee processing. <i>(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))</i></p>		<p>Docket No.</p> <p><input type="checkbox"/> DUPLICATE <small>(Check box if applicable)</small></p>
First Named Inventor	Examiner	Group/Art Unit
Authier	Prunner, K.	3751

Address to:
 Mail Stop CPA
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

This is a request for filing a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/429,939 filed on 10/29/1999 and entitled:

Water Freeze Control for Hot Tub Spa

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.

2. ☒ A preliminary amendment is enclosed.

3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).

a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

08/29/2003 MBERHE 00000082 09429939
 01 FC:2006 375.00 OP

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TECHNOLOGY CENTER R3700

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent is enclosed.

5. ☐ Small Entity Status:

a. ☐ A small entity statement is enclosed.

b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.

6. ☐ The fee for this application is calculated as follows:

CLAIMS AS FILED						
For	#Filed	#Allowed	#Extra		Rate	Fee
Total Claims	13	- 20 =	0	x	\$9.00	\$0.00
Indep. Claims	3	- 3 =	0	x	\$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>						\$0.00
BASIC FEE						\$375.00
TOTAL FILING FEE						\$375.00

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

7. ☒ The Director is hereby authorized to credit overpayments or charge the following fees to Deposit
Account No. **200678**

- ☒ fees required under 37 C.F.R. 1.16.
- ☒ fees required under 37 C.F.R. 1.17.
- ☒ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of **\$375.00** is enclosed.

9. ☐ An Information Disclosure Statement (IDS) is enclosed:

a. ☐ PTO-1449

b. ☐ Copies of IDS Citations

10. ☒ Also enclosed:

Petition for Extension of Time plus fee (\$465) (3 months)

11. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

NOTES

Submit an original, and a duplicate for fee processing.

FILING QUALIFICATIONS: The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

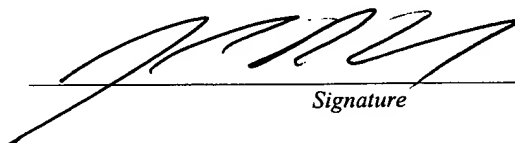
C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: 08/26/2003


Signature

John R. Ross, III

Typed or printed name

43060

Registration Number (if applicable)

- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record

cc: